

**TITLE 515. PARDON AND PAROLE BOARD
CHAPTER 15. COMMUTATION PROCEDURES**

SUBCHAPTER 1. GENERAL PROVISIONS

515:15-1-1. Purpose

- (a) **Purpose.** This Chapter establishes rules and procedures used by the Pardon and Parole Board to implement the provisions of Article 6, Section 10 of the Oklahoma Constitution and Title 57 O.S. § 332.2.
- (b) **Scope.** The rules in this Chapter include, but are not limited to procedures to make application for commutation consideration and the procedures for the Board's review and hearing process for commutations. This Chapter is not intended to limit or expand the authority of the Pardon and Parole Board. The Pardon and Parole Board may change any procedure for good cause.
- (c) **Severability.** The repeal or invalidity of any particular rule of this Chapter shall not affect other rules.

515:15-1-2. Definitions

The following words and terms when used in this Chapter shall have the following meaning unless the context clearly indicates otherwise:

"Applicant" means an Inmate who has submitted a commutation application to the Board for consideration of a commutation of a sentence or sentences.

"Application review" means the process conducted by the administrative staff of the Board to determine the completeness of the application.

"Board" means Pardon and Parole Board.

"Commutation" means the substitution of a lesser incarceration term for a greater one, or modification or reduction of a punishment, such as the change of an indefinite term to a definite term.

"Commutation application" means the form approved by the Board for the consideration of a commutation.

"Complete application" means an application in which all sections of the application have been determined to be complete.

"Confirmation number" means a tracking number assigned by the Board to identify those persons who wish to appear before the Board in support or in protest of an Inmate's commutation application.

"Delegate" means a person that appears before the Board on behalf of the Inmate.

"Incomplete application" means an application that is lacking a part, parts, or all of a section or sections or the applicant did not sufficiently answer all questions as determined by the Executive Director or an assigned designee.

"Ineligible application" means an application in which the Inmate does not meet the eligibility criteria for commutation consideration.

"Initial review" means a Stage One review of the application by the Board to determine if the application warrants additional investigation and further study.

"Illegible application" means a handwritten application in which the handwriting cannot be read as determined by the Executive Director or an assigned designee.

"Jacket review" means a review by the Board of a complete application.

"Legal representative for the Inmate" means a person or persons appointed or authorized to represent the Inmate.

"Personal appearance" means an appearance by the Inmate before the Board via video-conferencing.

"Receipt" means the date on which the application is determined to be complete and is date stamped as received.

"Stage Two review" means a second review of a commutation application by the Board and includes a personal appearance.

"Trial Official" means the current elected judge of the court where the conviction was had, the current elected district attorney of the jurisdiction where the conviction was had, or the chief or head administrative officer of the arresting law enforcement agency.

"Victim" means a person or persons who have suffered direct or threatened physical or emotional harm or financial loss as the result of the commission or attempted commission of criminally injurious conduct.

"Victim Representative" means a person or persons of the immediate or extended family of the Victim or a person or persons designated by the Victim or the immediate or extended family of the Victim.

SUBCHAPTER 3. COMMUTATION ELIGIBILITY CRITERIA

515:15-3-1. General eligibility

An Inmate in the custody of the Department of Corrections, not serving a probationary term as a result of a deferment or suspension of a sentence and not on parole, shall be eligible for commutation consideration of a sentence except for a conviction of impeachment.

SUBCHAPTER 5. COMMUTATION APPLICATION

515:15-5-1. Application for commutation

(a) **Application.** The Board shall adopt an application to be used for commutation requests. The commutation application and instructions shall be posted on the Board's website at www.ok.gov/ppb. The application must be completed as specified in the instructions.

(b) **Application form.** The most current application form posted on the website must be used. Outdated application forms will be returned.

(c) **Altered applications.** Applications which have been altered in any manner will be returned with a request to submit the application on the Board approved form.

(d) **Submitting an application.** Completed applications may be hand-delivered or mailed to the administrative office of the Board.

515:15-5-2. Incomplete applications

(a) **Incomplete application notification.** If the application is incomplete, a notification letter will be mailed within ten (10) business days of the review to the applicant.

(b) **Missing information deadline.** The applicant will be afforded ninety (90) days from the date of the notification letter to provide the missing information. No further action by the Board will be taken on an incomplete application until the missing information is provided.

- (c) Incomplete applications following notification. If, after notification and the 90-day deadline has passed and the missing information are not sufficiently answered as determined by the Executive Director or an assigned designee, the applicant will be notified and the application will be moved to Inactive Status.
- (d) **Inactive status.** Following the 90-day deadline, incomplete applications will be moved to inactive status and the disposition of the application will follow the Board's published Records Disposition schedule.
- (e) **Return of the incomplete application.** An incomplete application will not be returned to the Inmate or Legal Representative. A copy of the incomplete application may be obtained through an Open Records Request prior to disposition along with payment in accordance with the published fee schedule.
- (f) **Illegible applications.** Illegible applications will be returned with notification and a request that a legible or typed application be resubmitted.

SUBCHAPTER 7. VICTIM NOTIFICATION PROGRAM

515:15-7-1. Victim registration

- (a) **Victim notification program.** The Board utilizes the Victim Notification Program to notify a registered Victim or Victim Representative of an Inmate's commutation application.
- (b) **Registration.** A Victim or Victim Representative may register with the Victim Notification Program by contacting the administrative staff at 405/521-6600 to obtain a copy of the form. The form is also available on the website at [www.ok.gov/PPB/Victim Notification Program](http://www.ok.gov/PPB/Victim%20Notification%20Program), or by contacting the Victim Witness Coordinator in the county where the Inmate was prosecuted. A completed form can be mailed to the administrative office of the Board or emailed as per the directions on the form.
- (c) **Change of address.** In order to ensure continued notifications from the Board, changes of address of the Victim or Victim Representative must be provided in writing to administrative office of the Board.

SUBCHAPTER 9. APPLICATION NOTIFICATION

515:15-9-1. Notification of application of a commutation

- (a) **District Attorneys.** A copy of the complete commutation application will be provided to the Office of the District Attorney in the county where the Inmate was prosecuted within ten (10) business days of receipt.
- (b) **Victim and Victim Representative.** The Victim or Victim Representative will be provided a letter with a code to access the complete commutation application on-line within ten (10) business days of receipt.
- (c) **Office of the Attorney General.** A copy of the completed commutation application will be provided to the Office of the Attorney General within ten (10) business days of receipt.

515:15-9-2. Public notice

- (a) **Internet posting.** Each month, the Commutation Docket will be posted on the Board's website at www.ok.gov/ppb at least twenty (20) days before each meeting and is available to the public.
- (b) **Paper copy of docket.** Anyone may request a paper copy of the docket through an Open Records Request. The request will be filled in a timely manner and the published fee schedule will apply.

515:15-9-3. Notification of a docketed application

- (a) **Victim or Victim Representative.** When a complete application has been scheduled on a docket, notice shall be sent to the Victim or Victim Representative who shall have twenty (20) days to submit support or protest correspondence.
- (b) **Trial Officials.** When a complete application has been is scheduled on a docket, notice shall be sent to the Trial Officials who shall have twenty (20) business days submit support or protest correspondence.
- (c) **Inmates.** Administrative staff forward the monthly docket to the Department of Corrections. The Department of Corrections is responsible for notifying Inmates that the initial review and/or personal appearance has been scheduled on the docket. Inmates are responsible for notifying any delegates regarding the docketing of the application.

**SUBCHAPTER 11. BOARD REVIEW PROCESS AND COMMUTATION
APPLICATION HEARING**

515:15-11-1. Application Review Process

- (a) **Review.** All complete commutation applications shall be set for review during a regular meeting of the Board.
- (b) **Two-stage review process.** Commutation applications will be reviewed in two stages. An Initial Review of the completed application will be conducted by the Board to determine if the application warrants additional investigation and further study, or a pass to Stage Two, for consideration of sentence commutation.
- (c) **Initial review.** During an Initial Review, the Board reviews only the application as received. No personal appearances are allowed. The Board will vote to pass the Inmate to Stage Two for further investigation and consideration or deny the application.
- (d) **Stage Two review.** During Stage Two, the Inmate will receive a personal appearance via videoconference with the Board.

515:15-11-2. Attendance

Board meetings, including commutation application hearings, are open to the public, except when exclusion is allowed by law. Admittance may be limited by security regulations as well as the capacity of the meeting room. Meetings are conducted at Department of Correction's facilities and the Department of Corrections is responsible for the security of everyone in attendance. Questions of admittance to the facility hosting the meeting will be determined by the Department of Corrections. Generally, any Victim or Victim Representative will not appear at the same time as the Inmate or their Delegates.

515:15-11-3. Inmate personal appearances at Stage Two review

(a) **Personal appearance.** An Inmate that has been passed to Stage Two for a commutation review will appear before the members of the Board via video conferencing to demonstrate why circumstances warrant the exercise of the Governor's rare discretionary commutation power. At Stage Two, an Inmate will be allowed to address the Board and/or may be questioned by the members of the Board.

(b) **Misconduct prior to personal appearance.** If an Inmate receives a misconduct from the date of the receipt of the application up to the hearing, the personal appearance is cancelled and the commutation consideration will be conducted as a jacket review.

515:15-11-4. Trial Officials appearances and communication with the Board

(a) **Trial Officials appearance.** During a Stage Two review, a portion of each meeting will be set aside for the Trial Officials to address the members of the Board for a maximum of five minutes. This will occur at a separate time from the Inmate's personal appearance.

(b) **In lieu of attendance.** As an option to attending, Trial Officials may provide protest or support communication to the administrative office of the Board or via email at BoardCommunications@ppb.ok.gov.

(c) **Submission deadline for written correspondence.** The deadline for submission of emails or written correspondence is the close of business on the Tuesday prior to the Board meeting on which the Stage Two review date is docketed.

515:15-11-5. Victims or Victim Representative appearances and communication with the Board

(a) **Victim or Victim Representative appearances.** During a Stage Two review, a portion of each meeting will be set aside for the members of the Board to hear from Victims or Victim Representatives. No more than two Victims and/or Victim Representatives per Inmate may appear and only one will be allowed to address the Board for a maximum of five minutes. In cases in which there are multiple Victims, the Board may hear from more than one Victim and/or Victim Representative at the discretion of the Chair and within the time constraints of the meeting.

(b) **Confirmation number.** In order to speak before the Board, a Victim or Victim Representative must obtain a confirmation number from the Board's administrative office. The deadline to obtain a confirmation number is between 8:00 a.m. and 4:00 p.m. between Monday and Friday the week prior to the Board meeting on which the application is docketed.

(c) **Confidentiality.** Any Victim or Victim Representative that appears at the meeting and addresses the Board waives confidentiality concerning their appearance at the meeting and the statements made during the meeting. Confidentiality is maintained when written protests are provided.

(d) **In lieu of attendance.** As an option to attending, the Victim or Victim Representative may provide protest or support communication to the administrative office of the Board or via email at BoardCommunications@ppb.ok.gov.

(e) **Submission deadline for written correspondence.** The deadline for submission of emails or written correspondence is the close of business of the Board's administrative office on the Tuesday prior to the Board meeting on which the Stage Two review is scheduled.

515:15-11-6. Delegate appearances and communication with the Board

- (a) **Delegate appearances.** During Stage Two review, Delegates will be allowed to appear along with the Inmate, either at the Board meeting location or at the video host facility on the designated day and scheduled time.
- (b) **Delegate attendance.** No more than two Delegates may appear behalf of an Inmate and only one Delegate will be allowed to address the Board for a maximum of two minutes.
- (c) **Confirmation number.** In order to speak before the Board, a Delegate must obtain a confirmation number from the Board's administrative office. The deadline to obtain a confirmation number is between by 4:00 p.m. on the Friday prior to the Board meeting.
- (d) **In lieu of attendance.** As an option to attending, the Delegate may provide protest or support communication to the administrative office of the Board or via email at BoardCommunications@ppb.ok.gov.
- (e) **Submission of written correspondence.** The deadline for submission of emails or written correspondence is the close of business of the Board's administrative office on the Tuesday prior to the Board meeting on which the Stage Two review is scheduled.

SUBCHAPTER 13. BOARD RECOMMENDATION

515:15-13-1. Board recommendation

After the personal appearance, the Board will vote to either favorably recommend a commutation or deny the request. There are no limitations on the factors that the Board may consider in making its recommendation to the Governor. If a favorable vote is received, the Board's recommendation, the commutation application, along with any protests and support letters, will be forwarded to the Governor.

515:15-13-2. Status results

- (a) **Telephone.** Anyone may call the administrative office of the Board after 2:00 p.m. on the Monday following a Board meeting to inquire about the Board's recommendation on a specific commutation application.
- (b) **Internet posting.** Following a Board meeting, results will be posted on the Board's website in a timely manner but no later than twenty (20) business days after the meeting.
- (c) **Victim and Victim Representative.** A Victim or Victim Representative registered with the Victim Notification Program will be notified in writing of the Board's recommendation no later than twenty (20) days after the meeting.

SUBCHAPTER 15. REAPPLICATION

5:15:15-15-1. Reapplication after an unfavorable recommendation

An Applicant may reapply after an unfavorable recommendation: 1) upon recommendation from the Governor; 2) if there has been a statutory change in the penalty for the crime; or, 3) three years from the last date of denial. After receiving a favorable commutation of a sentence from the Governor, an Inmate is ineligible to apply for an additional commutation on the same sentence.